

## **REMARKS**

### **I. Status of the Application and Claims:**

With entry of this Amendment, claims 1-3, 5, 7, 9, 20-23, and 28 are pending in the application. Those claims have been examined on the merits and stand rejected.

Applicants have canceled claims 6, 24, and 29 without prejudice or disclaimer of the subject matter recited therein. They reserve the right to pursue the subject matter of those claims in one or more continuation applications.

Applicants have amended claims 1, 7, and 21. Support for the amendments is found in the specification, for example, at page 7 (lines 19-24), page 13 (lines 17-27), and page 16, lines 6-14). The amendments do not introduce new matter.

Applicants acknowledge withdrawal of the rejections under 35 U.S.C. § 103. Office action, page 2. Also, to clarify the record, Applicants note that while a Notice of Appeal was filed April 4, 2005, contrary to page 2 of the Office action, an Appeal Brief was not filed before the mailing of the instant Office action.

### **II. Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Office maintains the rejection of claim 29 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as their invention. Office action, page 3. Applicants have canceled claim 29, thus rendering the rejection moot.

### **III. Rejection Under 35 U.S.C. § 112, First Paragraph**

Claims 1-3, 5-7, 9, 20-24, 28, and 29 have been rejected under 35 U.S.C. § 112, first paragraph, because the specification, while admittedly being enabling for the genus of yeast cells comprising a heterologous GPCR with a deletion mutation in either the 3<sup>rd</sup>

intracellular loop that results in a 44 amino acid third intracellular loop comprising 22 amino acid residues proximal to the 5<sup>th</sup> and 6<sup>th</sup> transmembrane domains, or the C-terminus that improves the function of the GPCR, allegedly “does not reasonably provide enablement for the genus of yeast cells comprising a heterologous GPCR with a deletion in an intracellular domain that improves the function of the GPCR, and nor the specific embodiment of that containing a human alpha2 adrenergic receptor.” Office action, pages 4 and 5. Applicants traverse the rejection.

While Applicants do not acquiesce in the Office's position, solely to advance this application to allowance they have amended the claims to conform them to the subject matter the Office indicates is enabled by the specification. Applicants reserve the right to pursue the canceled subject matter in one or more continuation applications. In view of the claim amendments, Applicants request reconsideration and withdrawal of the rejection.

### **CONCLUSION**


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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